(1) (3) other

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W.P. 1770 /2003

PETITIONER :- National Insurance Co. ltd.

NON - APPLICANT station road Durg,

Branch Durg (C.G.)

Versus

RESPONDENTS :- 1. Ashok Kumar s/o Ramnarayan

APPLICANTS Gautam , aged 31 years, R/o back of sheetla temple, above shop of Shanker Lal Chandraker, Baiga para, Durg Distt. Durg (C.G.).

RESPONDENTS :- 2. Dayashankar Agrawal, s/o Shri Krishna Gopal Agrawal, aged 48 years (truck - owner)

NON - APPLICANTS :- 3. Rampyare , s/o Not known, (Driver) aged 45 years, c/o Dayashankar Agrawal Both R/o 37/3 Nehru Nagar East Bhilai Nagar Distt. Durg (C.G.)

:- 4. Beniram sahu , s/o Shri Goverdhan , Aged 43 years, (Tempo-Owner) R/o Polsai Para Durg Distt. Durg (C.G.).

P. R. No. 1632/03 Presented by Shri Pramod Kumar Gupta dated 6.11.03

:- 5. Seventh Additional Motor accident claims Tribunal (fast truck courts) Durg, Distt. Durg (C.G.)

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF MANDAMUS PROHIBITON AND OTHER SUITABLE WRIT OR WRIT AN-D DIRECTION OR DIRECTION.

*

1) PARTICULARS OF PETITIONERS

AS MENTIONED ABOVE IN CASUE TITLE.

2) PARTICULARS OF RESPONDENTS

AS MENTIONED ABOVE IN CASUE TITLE.

3) PARTICULARS OF ~~RESPONDENTS~~ ORDER AGAINST WHICH THE PETI-TION IS MADE.

order no 58/2003(claim case) annexure P 1 dated

(F7)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Writ Petition No.1970 of 2003

National Insurance Co. Ltd.,

Versus

Ashok Kumar and Others.

POST FOR ORDER ON 10th July, 2003.

Sd/-
L.C.BHADOO
Judge

(20)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

SINGLE BENCH: HON'BLE SHRI L.C.BHADOO, J

Writ Petition No.1970 of 2003

National Insurance Co.Ltd.,

Versus

Ashok Kumar and Others.

Present:-

Shri Ashok Kumar Gupta, Advocate for the petitioner.

ORDER

(Passed on 10th July, 2003)

By this writ petition under Articles 226 & 227 of the Constitution of India, the petitioner company has challenged the order dated 31st March, 2003, passed by the Seventh Additional Motor Accident Claims Tribunal (Fast Track Court), Durg, by which the Tribunal has awarded the compensation of Rs.4,900/- in favour of respondent No.1 and against the petitioner, respondent No.2 the owner of the truck and respondent No.3 the driver of the truck, jointly and separately.

2. The main grievance of the petitioner company in this petition is that respondent No.3 who was driving the truck bearing registration No.CIR/8545 at the time of the accident was not in possession of a valid driving licence and he was in possession of a forged and fake licence. Therefore, the Tribunal without considering this fact has wrongly awarded the compensation.

(23)

3. The perusal of the order of the learned Tribunal shows that in Para 16, the Tribunal has considered this aspect and reached to the conclusion that the licence in question i.e. licence No.R.75228 was renewed by the R.T.O. Raipur and the R.T.O. Raipur issued the certified copy of the same. This has been proved by a witness Sanjay Agrawal. Relying on the evidence and the renewal of the licence by the R.T.O. Raipur, the learned Tribunal reached to the conclusion that respondent No.3 was in possession of a valid driving licence. Therefore, it cannot be said that the learned Tribunal has not considered this aspect while passing the award and the learned Tribunal after giving the valid reasons has not acceeded to the argument of the company.

4. Therefore, I am of the opinion that the learned Tribunal has not committed any illegality or irregularity while passing the impugned award and the learned counsel for the petitioner has not been able to point out any illegality or infirmity in the impugned order. Therefore, there is no reason before this Court to interfere with the finding of the learned Tribunal.

5. In the result, this petition is without force and the same is accordingly, dismissed.

Sd/-
L.C.BHADOO
Judge

Soma

3/8/03